

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ALPHONSON V. FRAZIERII,

Plaintiff,

vs.

STATE OF NEBRASKA,

Defendant.

**8:20CV384**

**MEMORANDUM  
AND ORDER**

Plaintiff has filed a “Rule 60 Motion for Relief from Judgment” (Filing 10). The judgment from which he seeks relief, however, is not the judgment of dismissal that was entered in this matter on October 15, 2020. Rather, Plaintiff is seeking relief from a decision that was entered by the County Court of Douglas County, Nebraska, in a criminal case. Rule 60 cannot be used to obtain relief from a judgment or order that was entered by another court.

Also attached to Plaintiff’s motion is a “Notice of Removal for Criminal Prosecution,” in which Plaintiff cites 28 U.S.C. §§ 1433 and 1455. There is no 28 U.S.C. § 1433, and it clearly appears on the face of the notice that removal should not be permitted under 28 U.S.C. § 1455.

**IT IS THEREFORE ORDERED:**

1. Plaintiff’s motion for relief from judgment (Filing 10) is denied in all respects, and Plaintiff’s state-court criminal case (CR20-8632) is summarily remanded to the County Court of Douglas County, Nebraska.

2. Plaintiff’s motion to proceed in forma pauperis (Filing 12) is denied without prejudice.

3. The Clerk of the Court is directed to send copies of this Memorandum and Order to the Clerk of the Douglas County Court and to the Douglas County Attorney's Office.

Dated this 4th day of May, 2021.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf  
Senior United States District Judge